

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 25-011 (ADC)

JUAN ALFONSO NEGRON-LOPEZ,

Defendant.

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
RE: RULE 11(c)(1)(B) GUILTY PLEA HEARING

I. Procedural Background:

Defendant Juan Alfonso Negrón-López agreed to waive prosecution by Grand Jury Indictment and to be charged by way of Information. (Docket No. 1). He also agreed to plead guilty to Counts One and Two of said Information.

Count One charges that on or about September 5, 2024, in the District of Puerto Rico and within the jurisdiction of this Court, the defendant, JUAN ALFONSO NEGRON-LOPEZ, did knowingly and intentionally possess with intent to distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, all in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C). (Docket No. 2).

Count Two charges that on or about September 5, 2024, in the District of Puerto Rico and within the jurisdiction of this Court, the defendant, JUAN ALFONSO NEGRON-LOPEZ, knowing he had been convicted of a crime punishable by

1 imprisonment for a term exceeding one year, did knowingly possess firearms and
2 ammunition, that is, One Sig Sauer pistol, model P229, serial number AM 18018 and one
3 Glock pistol model 23, serial number FXU 461 and rounds of .40 caliber ammunition,
4 said firearms and ammunition having been shipped and transported in interstate and
5 foreign commerce, all in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(8). (*Id.*)

7 Defendant appeared before me, assisted by the court interpreter, on January 15,
8 2025 (Docket No. 6), after the matter was referred to me by the Presiding District Judge
9 to conduct the waiver of indictment and filing of information proceeding as well as the
10 Rule 11 hearing. *See United States v. Woodard*, 387 F.3d 1329 (11th Cir. 2004)
11 (magistrate judge had authority to conduct Rule 11 guilty plea hearing with consent of
12 defendant). He was advised of the purpose of the hearing and placed under oath with
13 instructions that his answers must be truthful lest he subject himself to possible charges
14 of perjury or making a false statement.

16 **II. Consent to Proceed Before a Magistrate Judge:**

17 Defendant was provided with a Waiver of Right to Trial by Jury form, which he
18 signed.¹ He was advised of his right to hold all proceedings, including the plea hearing,
19 before a district court judge. He received an explanation of the differences between the
20 scope of jurisdiction and functions of a district judge and a magistrate judge. He was
21 informed that if he elected to proceed before me, a magistrate judge, that I would conduct
22
23
24
25

26 ¹ The form entitled Consent to Proceed Before a United States Magistrate Judge in a Felony Case for
27 Pleading Guilty (Fed. R. Crim. P. 11) and Waiver of Jury Trial, signed and consented by both parties is
28 made part of the record.

1 the hearing and prepare a report and recommendation, subject to review and approval
2 of the District Judge. The defendant then voluntarily consented to proceed before me.

3 **III. Proceedings Under Rule 11 of the Federal Rules of Criminal**
4 **Procedure:**

5 Rule 11 of the Federal Rules of Criminal Procedure governs the acceptance of
6 guilty pleas to federal criminal violations. Pursuant to Rule 11, in order for a plea of guilty
7 to constitute a valid waiver of the defendant's right to trial, the guilty plea must be
8 knowing and voluntary. *United States v. Hernandez-Wilson*, 186 F.3d 1, 5 (1st Cir. 1999).
9 "Rule 11 was intended to ensure that a defendant who pleads guilty does so with an
10 'understanding of the nature of the charge and consequences of his plea.'" *United States*
11 *v. Cotal-Crespo*, 47 F.3d 1, 4 (1st Cir. 1995) (quoting *McCarthy v. United States*, 394 U.S.
12 459, 467 (1969)). There are three core concerns in a Rule 11 proceeding: 1) absence of
13 coercion; 2) understanding of the charges; and 3) knowledge of the consequences of the
14 guilty plea. *Cotal-Crespo*, 47 F.3d at 4 (citing *United States v. Allard*, 926 F.2d 1237, 1244
15 (1st Cir. 1991)).
16
17

18 **A. Competence to Enter a Guilty Plea**

19 I questioned the defendant about his age, education, employment, history of any
20 treatment for mental illness or addiction, use of any medication, drugs, or alcohol, and
21 his understanding of the purpose of the hearing, all in order to ascertain his capacity to
22 understand, answer and comprehend the plea colloquy. I confirmed that the defendant
23 received the Information and fully discussed the charges with his attorney and was
24 satisfied with the advice and representation he received. In addition, I further inquired
25 whether defendant's counsel or counsel for the government had any doubt as to his
26
27
28

1 competency to plead, receiving answers from both that the defendant was competent to
2 enter a plea. After considering the defendant's responses, and observing his demeanor,
3 a finding was made that Mr. Negrón-López was competent to plead and fully aware of
4 the purpose of the hearing.
5

6 **B. Maximum Penalties**

7 Upon questioning, the defendant expressed his understanding of the maximum
8 penalties prescribed by statute for the offenses to which he was pleading guilty, namely:
9 as to Count One, a term of imprisonment of twenty (20) years and a fine not to exceed
10 one million dollars (\$1,000,000), and a supervised release term of at least three (3) years
11 in addition to any term of incarceration for the offense as charged. And as to Count Two,
12 a term of imprisonment of not more than fifteen (15) years and a fine not to exceed two
13 hundred and fifty thousand dollars (\$250,000), and a supervised release term of not
14 more than three (3) years.
15

16 The defendant also understood that a Special Monetary Assessment of \$100.00
17 would be imposed, to be deposited in the Crime Victim Fund, pursuant to Title 18, United
18 States Code, Section 3013(a). The court explained the nature of supervised release and
19 the consequences of revocation. The defendant indicated that he understood the
20 maximum penalties for Counts One and Two and the potential consequences of the guilty
21 plea.
22

23 **C. Plea Agreement**

24 Mr. Negrón-López was shown his plea agreement and the plea agreement
25 supplement, which are part of the record, and identified his initials and signatures. He
26 confirmed that he had the opportunity to read and discuss the plea agreement with his
27
28

1 attorney before he signed it, that it represented the entirety of his understanding with
2 the government, that he understood its terms, and that no one had made any other or
3 different promises or assurances to induce him to plead guilty.

4 The defendant was then admonished, pursuant to Fed. R. Crim. P. 11(c)(1)(B), and
5 expressed his understanding that the terms of the plea agreement are merely
6 recommendations to the court, and that the district judge who will preside over the
7 sentencing hearing can reject the recommendation without permitting the defendant to
8 withdraw his guilty plea, and impose a sentence that is more severe than the defendant
9 might anticipate. The defendant was specifically informed that the court, after
10 considering the applicable Sentencing Guidelines, could impose a sentence different
11 from any estimate in the plea agreement or provided by his attorney, and that the court
12 had the authority to impose a sentence that is more severe or less severe than the
13 sentence called for by the Sentencing Guidelines. The defendant was advised, and
14 understood, that the Sentencing Guidelines are no longer mandatory and are thus
15 considered advisory, and that during sentencing the court will consider the sentencing
16 criteria found at Title 18, United States Code, Section 3553(a).

17 The defendant was advised that under some circumstances he or the government
18 may have the right to appeal the sentence the court imposes, but that pursuant to the
19 plea agreement the defendant will waive his right to appeal both his sentence and his
20 conviction if the court adopts the plea agreement and sentences him according to its
21 terms and conditions.

D. Waiver of Constitutional Rights

Mr. Negrón-López was specifically advised that he has the right to enter and persist in a plea of not guilty, and if he does so persist, that he has the right to a speedy and public trial by jury, or trial before a judge sitting without a jury if the court and the government so agree; that at trial he would be presumed innocent and the government would have to prove his guilt beyond a reasonable doubt; that he would have the right to the assistance of counsel for his defense, and if he could not afford an attorney the court would appoint one to represent him throughout all stages of the proceedings; that at trial he would have the right to hear and cross examine the government's witnesses, the right to decline to testify unless he voluntarily elected to do so, and the right to the issuance of subpoenas or compulsory process to compel the attendance of witnesses to testify. He was further informed that if he decided not to testify or put on evidence at trial, the failure to do so could not be used against him, and that at trial the jury must return a unanimous verdict before he could be found guilty or not guilty.

The defendant specifically acknowledged understanding these rights and understanding that by entering a plea of guilty there would be no trial and he will be waiving or giving up the rights I explained.

The defendant was informed that parole has been abolished and that any sentence of imprisonment must be served, and that his guilty plea may result in loss of important civil rights, such as the right to vote, to hold public office, to serve on a jury, and to possess a firearm. The defendant confirmed that he understood these consequences of the guilty plea.

1 **E. Factual Basis for the Guilty Plea**

2 Defendant was read in open court Counts One and Two of the Information and
3 was provided an explanation of the elements of the offense. The meaning of terms used
4 in the indictment was explained. Further, upon questioning, the defendant admitted to
5 facts constituting all of the elements of the offense charged in Counts One and Two and
6 that the evidence the government had available to establish, in the event defendant
7 elected to go to trial, the defendant's guilt beyond a reasonable doubt.
8

9 **F. Voluntariness**

10 The defendant indicated that he was not being forced to plead guilty but was
11 entering such a plea freely and voluntarily because in fact he is guilty, and that no one
12 had threatened him or offered a thing of value in exchange for his plea. He acknowledged
13 that no one had made any different or other promises in exchange for his guilty plea,
14 other than the recommendations set forth in the plea agreement. Throughout the hearing
15 the defendant was able to consult with his attorney.
16

17 **IV. Conclusion:**

18 The defendant, by consent, appeared before me pursuant to Rule 11 of the Federal
19 Rules of Criminal Procedure, and entered a plea of guilty as to Counts One and Two of
20 the Information. After cautioning and examining the defendant under oath and in open
21 court concerning each of the subject matters mentioned in Rule 11, I find that the
22 defendant, Juan Alfonso Negrón-López is competent to enter this guilty plea, is aware of
23 the nature of the offenses charged and the maximum statutory penalties that they carry,
24 understands that the charge is supported by evidence and a basis in fact, has admitted to
25 the elements of the offenses, and has done so in an intelligent and voluntary manner with
26
27
28

1 full knowledge of the consequences of his guilty plea. Therefore, I recommend that the
2 court accept the guilty plea and that the defendant be adjudged guilty as to Counts One
3 and Two of the Information.

4 This report and recommendation is filed pursuant to 28 U.S.C. § 636(b)(1)(B) and
5 Rule 72(d) of the Local Rules of this Court. Any objections to the same must be specific
6 and must be filed with the Clerk of Court **within 14 days**. Failure to file timely and
7 specific objections to the report and recommendation is a waiver of the right to appellate
8 review. *See Thomas v. Arn*, 474 U.S. 140, 155 (1985); *Davet v. Maccorone*, 973 F.2d 22,
9 30–31 (1st Cir. 1992); *Paterson-Leitch Co. v. Mass. Mun. Wholesale Elec. Co.*, 840 F.2d
10 985 (1st Cir. 1988); *Borden v. Sec’y of Health & Human Servs.*, 836 F.2d 4, 6 (1st Cir.
11 1987).

12
13
14 **IT IS SO RECOMMENDED**

15 In San Juan, Puerto Rico this 21st day of January, 2025.

16
17 S/Héctor L. Ramos-Vega
18 HÉCTOR L. RAMOS-VEGA
19 UNITED STATES MAGISTRATE JUDGE
20
21
22
23
24
25
26
27
28